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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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Illinois Commerce Commission
RAIL SAFETY SECTION

Case No.

T02-0036

THE BI-STATE DEVELOPMENT AGENCY)
OF THE MISSOURI-ILLINOIS DISTRICT,)
a body corporate and politic created and)
existing by reason of a joint compact)
between the States of Missouri and Illinois)
Petitioner,)

TO THE ILLINOIS COMMERCE COMMISSION:

**PETITION FOR EXCEPTION
TO REQUIREMENTS OF 625 ILCS 5/18c-7402(2)(a)**

Comes now the Petitioner, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("BSDA"), and for its Petition for an Exception to the Requirements of 625 ILCS 5/18c-7402(2)(a) states to the Commission as follows:

1. BSDA is a body corporate and politic created and existing by reason of a joint compact between the States of Illinois and Missouri, as codified at 45 ILCS 100, et seq. and 70.370 Mo.Rev.Stat., et seq.

2. BSDA has constructed and operates a light rail alignment providing light rail transportation from Lambert St. Louis International Airport located in St. Louis County, Missouri, through downtown St. Louis, across the Mississippi River, through the City of East St. Louis, Illinois, to the Southwestern Illinois College campus located in St. Clair County, Illinois (the "MetroLink Alignment").

3. As part of the MetroLink Alignment, there are twenty three grade crossings in Missouri and Illinois, with fourteen grade crossings located in St. Clair County, Illinois, and nine grade crossings located in the State of Missouri.

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4. BSDA operates over 1,600 MetroLink trips along the MetroLink Alignment on a weekly basis. The majority of the MetroLink trips are operated Monday through Friday, with a reduced schedule on Saturday and Sunday. During morning and evening rush hours and certain special events, 21 to 25 two-car trains may be operating on the 34.4 mile MetroLink Alignment between Lambert St. Louis International Airport and Southwestern Illinois College.

5. Three of the grade crossings in St. Clair County, Illinois, were constructed prior to 1993 and have been in continuous operation since 1993 in connection with Phase I of the MetroLink Alignment which runs from Lambert St. Louis International Airport in St. Louis County, Missouri, to Fifth and Missouri Avenues in East St. Louis, Illinois. Each of these grade crossings was inspected and approved by the Missouri Division of Motor Carrier and Railway Safety ("MCRS") in connection with the construction and operation of Phase I of MetroLink in 1993.

6. By Form 3 Petitions submitted to the Illinois Commerce Commission in Case Nos. T01-0011, T01-0012 and T01-0013, BSDA sought Commission review and approval of BSDA's compliance with the safety requirements for the construction of the eleven grade crossings located in Phase II of the MetroLink Alignment running from Fifth and Missouri Avenues in East St. Louis, Illinois, to the Southwestern Illinois College campus located in St. Clair County, Illinois. By Resolutions dated April 26 and 27, 2001, the Commission authorized BSDA's construction and use of the eleven grade crossings located in St. Clair County, Illinois.

7. Prior to authorizing the construction and use of the eleven grade crossings located in St. Clair County, Illinois, to be used as part of Phase II of the

MetroLink Alignment, a hearing was held before the Commission and all of the safety precautions taken by BSDA in connection with the construction and operation of the subject grade crossings was presented.

8. In order to reasonably and sufficiently ensure the safety and protection of the public at each of the Illinois MetroLink grade crossings, at each crossing, including the three crossings in use since 1993 and the eleven new crossings, there exists automatic protective devices including crossing gates, cantilevered flashing light signals to both warn on-coming traffic and to ensure the train operator that the warnings are properly functioning. There are also warning bells on the crossing signals at each Illinois MetroLink grade crossing. All Illinois MetroLink grade crossings, except at Main Street and Fourth Street, which are one-way roads, have quick-curb or concrete median barriers to protect against drivers attempting to drive around the grade crossing gates.

9. In order to further ensure the safety and protection of the public at the Illinois MetroLink grade crossings, the bells on the crossing signals, the cantilevered warning lights and the crossing gate are all activated when a light rail vehicle is 25 to 30 seconds away from entering each MetroLink crossing. The time sequence for all MetroLink grade crossings is as follows:

- a. At 25 to 30 seconds before a light rail vehicle enters a grade crossing, the bells and lights at the crossing are activated by the approach of the train;
- b. Within 3 to 4 seconds after the bells and lights at the crossing are activated, the crossing gate begins to lower from a 90 degree

position to a horizontal position. The gate lowering process takes approximately 11 to 12 seconds;

- c. 10 to 15 seconds before a light rail vehicle enters a grade crossing, the crossing gate is in the full horizontal position; and
- d. 25 to 30 seconds after the bells and lights first were activated at the crossing, the light rail vehicle enters the crossing.

10. The distance from the crossing that the gates are activated is dependent on train speed (i.e. at 55 miles per hour, the gates are activated at approximately 2,600 feet, whereas at 25 miles per hour the gates are activated at approximately 1,400 feet) to ensure that the warning lights and bells are activated 25 to 30 seconds before the light rail vehicle enters the crossing and the crossing gate is in the horizontal position 10 to 15 seconds before the light rail vehicle enters the crossing.

11. In addition to safety features contained on the crossing gate and crossing signal, all light rail vehicle operators are required to adhere to certain safety rules prior to entering a crossing. First, MetroLink operates with an abbreviated horn signal in Illinois and Missouri since 1993. The horn signal being used is two long horn blasts. The first horn blast is made at approximately 300 feet from the crossing. The second long horn blast must be completed as the light rail vehicle enters the crossing. An operator is permitted, pursuant to BSDA's rules to only make one long horn blast if the operator is certain that there are no vehicles or pedestrians at or approaching the crossing, which horn blast is to be made at approximately 300 feet before entering the crossing. Intersections with limited visibility require two horn blasts.

12. Secondly, the grade crossing signals include lunar indicators facing the light rail vehicle operators to advise the operators whether the crossing gate and crossing signals are operating properly. If a solid lunar indication is displayed and the crossing is clear of obstructions, and it can be visually confirmed that the gates are properly protecting the crossing, the operator may proceed at maximum permitted speed. The maximum permitted speed can vary from 15 to 55 miles per hour depending on the location of the crossing. If a solid lunar indication is not present or is flashing, the train operator must stop the train before entering the grade crossing, and contact BSDA's MetroLink Central Control. Once it is determined that the crossing is safe, the light rail vehicle may enter the grade crossing at a restricted speed, sounding its horn and/or bell until the front of the train completely occupies the grade crossing.

13. There has been only one grade crossing accident along the Illinois portion of the MetroLink Alignment. There was an accident at the 15th Street crossing in East St. Louis, Illinois, when an automobile being pursued by the police, drove around the activated and lowered crossing gates and struck the light rail vehicle broadside after the light rail vehicle had already occupied the crossing.

14. In Phase I of the MetroLink Alignment, which began operation in July of 1993, there have been two light rail vehicle/automobile collisions. In 1994 at the Boyle Avenue crossing in St. Louis City, Missouri, a driver of an automobile drove around the activated crossing gates in a lowered position and was struck by an on-coming train. A second accident also occurred at Boyle Avenue crossing where another driver drove around several vehicles stopped by the crossing gates and the activated crossing gates in the lowered position and was struck by an on-coming train.

15. The manufacturer specifications for deceleration rates (stopping distances) for light rail vehicles on the MetroLink Alignment is as follows:

- a. Light rail vehicles have three types of brakes: (1) dynamic; (2) disc; and (3) track;
- b. Under normal operating conditions, dynamic brakes are used for stopping the light rail vehicles;
- c. The disc brakes are used as parking brakes;
- d. The track brakes are used with the other braking systems to stop the light rail vehicles in an emergency;
- e. Full service/dead man brakes equal 3 miles per hour per second ("mphps");
- f. Full service with track brakes equals 3.5 mphps;
- g. Emergency brake rate (including track brakes) is equal to or greater than 5.5 mphps.

16. To the best of BSDA's knowledge, there are no federal transit administration requirements concerning the sounding of warning devices at grade crossings.

17. Based on the foregoing facts, each of which is verified by Larry E. Salci, the Executive Director of BSDA, BSDA reasonably believes that the public will be reasonably and sufficiently protected if BSDA is excused from the one quarter mile horn sounding requirement contained in 625 ILCS 5/18c-7402(2)(a).

WHEREFORE, Petitioner prays that the Commission enter an Order granting Petitioner's request to authorize the continued operation of the MetroLink Light Rail

System along the MetroLink Alignment in St. Clair County, Illinois, pursuant to its current safety and operating guidelines, that Petitioner be excused from the one quarter mile horn sounding requirements of 625 ILCS 5/18c-7402(2)(a), and granting such other and further relief as this Commission deems just and proper.



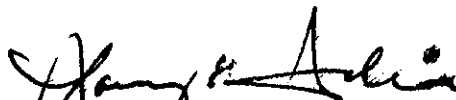
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Attorneys for Petitioners

The undersigned, Larry E. Salci, Executive Director of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District hereby verifies that the information contained herein is true and accurate.

Dated this 8th day of April, 2002

THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS DISTRICT

By 
Larry E. Salci, Executive Director